

**TOWN OF DARIEN
BOARD OF SELECTMEN
August 24, 2015**

ATTENDANCE: Jayme Stevenson, First Selectman; Susan Marks; Christopher (Kip) Hall; Gerald Nielsen; E. Reilly Tierney

STAFF: Karl Kilduff, Administrative Office Kate Buch, Director of Finance: Wayne Fox, Town Counsel

OTHERS: David Campbell, BOE Building Committee Chair: Walter Casey: Elizabeth Smith Mao, Board of Finance

CALL TO ORDER

First Selectman Stevenson called the meeting to order at 7:25 pm.

REPORT

Board of Education Central Office/Mather Center Building Committee on Building Committee

Mr. Campbell gave an update on the progress of the building “shuffle.” He said since the last time he had met with the Board there had been some additional expenses totaling \$355,000. He said \$100,000 was paid to the architects for pre-construction work not included in the original budget, \$135,000 to John Ryan Architects for work done sorting through different billings and budgets due to legal problems with the original contractor. He said the final amount was an approximate \$100,000 for the BOE heating system which had to be re-fashioned twice. He said with the \$355,000 in new expenses the total the project was over budget was approximately \$1,000,050. Mr. Nielsen asked if the amount included the perimeter heat for the BOE building on Leroy, and Mr. Campbell, replied no, that the amount was separate. Mr. Tierney asked if the BOE had actually officially accepted the Leroy street building. Mr. Campbell sell no, they had not. First Selectmen Stevenson said she believed there were still details that needed to be approved to facilitate the acceptance, in particular the perimeter heating system which was just approved by the RTM. There was further discussion as to the status of the building and projects and Mr. Campbell said everything had been done on all punch lists. Mr. Tierney asked if the additional \$1,000,050 included the demolition of the senior center, where did the additional costs come from. Mr. Campbell said the demolition of the Senior Center, which cost \$440,000, was not part of the overage. He said at the time there was a discussion about whether the BOE might use the property. First Selectman Stevenson said there had been discussions among the Board of Selectmen about the property and its jurist diction. She said for awhile the BOE had entertained the idea of using the property, but then formally decided not to use it. She said then, because of safety concerns the Town thought it would be advisable to demolish the building. Mr. Campbell was asked then to summarize what made up the million dollar overage, beyond the original 7

million dollar budget. It was acknowledge the bankruptcy of the original contractor was a major factor. Mr. Campbell said in addition, problems with original HVAC contractor at the Town Hall was a factor, as well as hazardous materials found below both buildings. He said additional charges were also added on due to preliminary work done by the architects which was not put in the budget. There was some further discussion about the cause of the additional expenses, including the bonding company also going bankrupt. Counsel Fox said it was doubtful that any money lost due to the bonding company could be recovered. When asked, he said he knew it was a bonding company registered in the state of Connecticut. Mr. Campbell said he did not anticipate any additional expenses, unless the architect had some extra expenses, which he did think likely. He said the town would be receiving \$600,000 from the state in the next few weeks to fund the project. Ms. Buch said approximately \$400,000 of the \$600,000 will go toward debt incurred by the purchase of the building; she said the remaining \$200,000 could be used for cost overruns. Mr. Tierney asked if the ongoing overage costs were just automatically paid, or if they had to be approved. Ms. Buch said they were paid but would have to eventually be approved by the RTM. Mr. Nielsen noted that John Ryan was an excellent architect for the project. Mr. Tierney asked about the amount of the contract that caused the losses and Mr. Campbell said it was \$3,500,000. First Selectman Stevenson said unanticipated problems had caused the overage, in particular perhaps the practice of going with the lowest bidder, and in the future more oversight and contingencies should be in place. There was further discussion of how it was important to vet the bonding companies. First Selectman Stevenson noted that the process had been no different than processes in the past, but now it was important to look to better procedures in the future. Ms. Marks noted it was unfortunate that costs had overrun the budget, but that the Senior Center had turned out to be a wonderful building. First Selectman Stevenson noted that the new superintendent Dr. Dan Brenner was very happy with the Leroy Street building. It was also acknowledged that the extension of gas line brought to the Leroy Street building was leading to further expansion of gas lines in the area all the way to Stamford. Ms. Smith-Mao said she had asked the BOE if they would accept the building and they said yes and suggested the process for the BOE to accept the building be expedited.

PUBLIC COMMENT

Mr. Casey, of 8 Webster Valley Road, read from the following statement:

The First Selectman has repeatedly stated that there is no national standard for Paramedic response times. If she had read further in the Wikipedia article, she would have come across the following statement and I quote "It is generally accepted within the field that an "ideal" response time for an emergency calls would be within eight minutes, ninety-percent of the time."

Darien is not close to eight minutes. In fact, Paramedic response times to Darien are approximately twice eight minutes. If Darien had Paramedics based in Darien, then Paramedics could reach victims in the time that the inadequate EMTs Post 53 reach victims which is about six or seven minutes.

It should be obvious that trying to establish a national standard would be futile. Can you imagine trying to establish a standard Paramedic response time for Both Darien and Wyoming?

There are three reasons for someone citing a lack of national standard: (1) stupidity, (2) protecting the inadequate Post 53 from objective analysis and (3) a combination of one and two. I would place my money on number three.

Here are some statistics that you also might want to consider. The American Heart Association states that brain death and permanent death start to occur 4-6 minutes after cardiac arrest and that a victim's chances of survival are reduced by 7%-10% with every minute that passes without defibrillation AND Advanced Life Support, i.e., Paramedics (Source: EMS WORLD)

First Selectman Stevenson said Mr. Casey was welcome to state his opinion to the Board of Selectmen, but referring to members as "stupid," was unacceptable.

FIRST SELECTMAN'S REPORT

First Selectman Stevenson reported as follows:

- Tonight is Karl Kilduff's last Board of Selectmen's meeting and Thursday is his last day as our Town Administrator. I want to thank Karl for the outstanding job he's done for our town over his 8 years here. Karl has been an integral part of the operations of this town and has helped shepherd many notable projects including Weed Beach, new police building, 20th Century parking technology, the Mather/BOE project and, soon to begin, the Upper Gorham's Pond dredging and dam replacement. He's offered wide counsel to this Board in our efforts to set sustainable policy and he's drafted responsible budgets year after year. The responsibilities of Town Administrator are many and Karl has set a high standard of performance. We wish you well in your new position as Executive Director of the Connecticut Housing Finance Authority.
- We have received 4 responses to our request for proposals for an EMS consultant. Members of the Board of Selectmen will review the proposals with Karl and I to make a final selection.

TOWN ADMINISTRATOR'S REPORT

Mr. Kilduff said it had been a pleasure working with the Board and the people of Darien over the past 8 years. He said he was continuing to work toward a smooth transition. Ms. Marks, and other members of the Board, thanked Mr. Kilduff for his service. Ms. Marks asked about the process of the demolition of Hoyt and Edgerton properties and asked why it was taking so long. Mr. Kilduff said it was due to processes of the building department as well as oil that needed to be removed from the Hoyt Street site. He said the Hoyt Street house would take about 2 days and the Edgerton property might take two weeks. Ms. Marks said it was important to remember the old high school had been demolished with the new high school in session. First Selectman Stevenson said he had promised the BOE the Hoyt Street demolition would be complete by the beginning of school and hoped it would be accomplished.

NEW BUSINESS

a) Discuss Possible Acquisition of Streetlights

First Selectman Stevenson said after the ESCO presentation at the last meeting several other companies had approached her interested in bidding on the conversion. She said she was working with the head of DPW to determine the best ones to present to the Selectmen.

b) Discuss Role of Town in Providing Administration for Clock Hill Homes Sales and Purchases.

The First Selectman said with Mr. Kilduff leaving the town would not be equipped to act as a real-estate broker, and manage the waitlist for the Clock Hill Properties. Mr. Kilduff said approximately 4 ½ years ago the responsibility had be taken away from the Housing Authority and brought in house. There was some discussion as to why this was the case, with no definitive answers. It was agreed a suitable consultant should be investigated who could manage the waiting list and the transfers of property.

c) Discuss and Take Action on a Resolution Approving Administrative Group and Elected Officials Pay Plan for FY2015-16.

- ** MR. HALL MOVED TO APPROVE THE FOLLOWING RESOLUTION:
WHEREAS, THE TOWN OF DARIEN EVALUATES THE WORK
PERFORMANCE OF ITS NON-BARGAINING UNIT ADMINISTRATORS TO
DEVELOP THE ANNUAL PAY PLANE FOR THESE EMPLOYEES.
NOW THEREFORE BE IT RESOLVED THAT THE TOWN OF DARIEN PAY
PLAN FOR ELECTED OFFICIALS, ADMINISTRATIVE GROUP POSITIONS
AND PART-TIME EMPLOYEES BE ADOPTED IN ACCORDANCE WITH THE
ATTACHED SHEET ENTITLED “ADMINISTRATIVE GROUP PAY PLAN FOR
FY2015-16.”
BE IT FURTHER RESOLVED THAT THE FIRST SELECTMAN IS
AUTHORIZED TO ADJUST WAGES OF INDIVIDUAL EMPLOYEES
EFFECTIVE JULY, 1, 2015 CONSISTENT WITH SUCH PLAN AND
PERFORMANCE EVALUATIONS AS RECOMMENDED BY THE TOWN
ADMINISTRATOR AND DISCUSSED WITH THE MEMBERS OF THE BOARD
OF SELECTMEN.**
- ** MR. TIERNEY SECONDED THE MOTION.**
- ** THE MOTION PASSED UNANIMOUSLY.**

d) Discuss and Take Action on Tax Assessment Appeals

First Selectman Stevenson noted that prior to being voted on by the Selectman, all tax assessment appeals have been gone over with due diligence by the Tax Assessor and Town Counsel.

**** MR. HALL MOVED THAT THE DARIEN BOARD OF SELECTMEN HEREBY APPROVE SETTLEMENT OF THE CASE OF ANGELA RILEY V. TOWN OF DARIEN TO AMEND THE FAIR MARKET VALUE OF THE PROPERTY TO \$8,200,000 FROM \$8,714,900 EFFECTIVE WITH THE GRAND LIST OF OCTOBER 1, 2013, IN ACCORDANCE WITH A STIPULATION FOR JUDGEMENT.**

**** MS. MARKS SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

**** MR. HALL MOVED THAT THE DARIEN BOARD OF SELECTMEN HEREBY APPROVE SETTLEMENT OF THE CASE OF KENNETH WEIL TRUSTEE ET AL. V. TOWN OF DARIEN TO AMEND THE FAIR MARKET VALUE OF THE PROPERTY TO \$9,100,000 FROM \$10,334,700, EFFECTIVE WITH THE GRAND LIST OF OCTOBER 1, 2013 IN ACCORDANCE WITH A STIPULATION FOR JUDGEMENT.**

**** MR. NIELSEN SECONDED THE MOTION.**

**** MOTION PASSED UNANIMOUSLY.**

e) Discuss and Take Action on Settlement Recommended by Town Insurance Company.

First Selectman Stevenson noted that this proposed action had also been thoroughly discussed by the Board in many executive sessions.

**** MR. HALL MOVED TO APPROVE THE SETTLEMENT RECOMMENDED BY THE TOWN INSURANCE COMPANY IN THE CASE OF HAMER VS. PLANNING AND ZONING ET. AL.**

**** MR. NIELSEN SECONDED THE MOTION.**

**** THE MOTION PASSED UNANIMOUSLY.**

f) Transfers

**** MR. NIELSEN MOVED TO APPROVE THE FOLLOWING TRANSFERS:**

**Town of Darien
Board of Selectmen
August 24, 2015
pg. 5**

RESOLVED:

That the following transfers of appropriations are approved for referral to the Board of Finance:

Mr. Kilduff said that the following transfers were the result of the annual end of fiscal year budget balancing.

Mr. Kilduff noted that having a printer service company was less expensive than having to buy printer supplies.

Administrative Officer-Printer Supplies

<u>From:</u>			<u>To:</u>		
Acct. Number	Acct. Name	Amount	Acct. Number	Acct. Name	Amount
Multiple Departments	Office Supplies	5,500	10102021-82007	Prof. Services	5,500
	Total	\$5,500		Total	\$5,500

Mr. Kilduff noted these transfers were due to contract negotiations as well as shifts in staffing.

Multiple Departments-Union Contract Retroactive Pay

<u>From:</u>			<u>To:</u>		
Acct. Number	Acct. Name	Amount	Acct. Number	Acct. Name	Amount
10102031-81001	HR Full Time	9,011	Multiple	Salary Accounts	36,781
10301011-81003	Bldg, Seasonal	4,193	Accounts		
10704000-86001	Employee Salary Increase	23,577			
	Total	\$36,781		Total	\$36,781

Mr. Kilduff noted again, due to shifts in staffing, vacancies and turnovers, Police overtime was a customary expense.

Police -Overtime

<u>From:</u>			<u>To:</u>		
Acct. Number	Acct. Name	Amount	Acct. Number	Acct. Name	Amount
10302233-81001	Police Patrol		10302233-81001	Police Patrol	

10302303-81001	Full Time	92,023		Overtime	96,052
	Police-Comm.			Police Overtime	
	Full Time	13,318	Misc. Accts.	Seasonal etc.	9,289
	Total	\$105,341		Total	\$105,341

Mr. Kilduff noted that Public Works expenses shifted with weather conditions and the like and that a new scale at the transfer station will now ensure charges for tonnage of waste are being calculated correctly.

Public Works-Multiple Accounts

<u>From:</u>			<u>To:</u>		
Acct. Number	Acct. Name	Amount	Acct. Number	Acct. Name	Amount
10407011-82007	DPW Buildings		10402144-81004	DPW Roads	
	Prof. Service	90,000		Overtime	74,947
10402144-81001	DPW Roads		10405154-83013	DPW Solid	
	Full Time	49,520		Waste Disposal	66,036
Miscellaneous	DPW Accounts	74,451	Miscellaneous	DPW Accounts	72,988
	Total	\$213,971		Total	\$213,971

Mr. Kilduff said these transfers were due to HVAC repair cost overruns.

Police Miscellaneous

<u>From:</u>			<u>To:</u>		
Acct. Number	Acct. Name	Amount	Acct. Number	Acct. Name	Amount
Miscellaneous	Miscellaneous	26,752	Miscellaneous	Miscellaneous	26,752
	Total	\$26,752		Total	\$26,752

For firefighter physicals.

Darien Fire Department-Medical Services

From: _____

To: _____

Acct. Number	Acct. Name	Amount
10303415-83004	Motor Fuel	3,543
10303415-83005	Heating Fuel	2,041
	Total	\$ 5,584

Acct. Number	Acct. Name	Amount
10303415-82018	Medical Services	5,584
	Total	\$5,584

Senior Center – Overtime, Part-Time

From: _____

To: _____

Acct. Number	Acct. Name	Amount
	Program	
10502201-82033	Expenses	1,530
10502201-81003	Seasonal	330
	Total	\$1,860

Acct. Number	Acct. Name	Amount
10502201-81004	Overtime	764
10502201-81002	Part-Time	1,096
	Total	\$1,860

Parks and Recreation – Professional Services, Overtime

From: _____

To: _____

Acct. Number	Acct. Name	Amount
10602001-81003	Beach-Seasonal	10,032
10602001-82019	Beach-Security	4,136
	Total	\$14,168

Acct. Number	Acct. Name	Amount
10602001-82007	Prof. Services	13,396
10603001-81004	Grounds Overtime	772
	Total	\$14,168

Ms. Buch said the Finance Department kept \$400,000 in a contingency account to allow for allocation of unforeseen expenses at the end of the year. Mr. Kilduff said the \$73,000 for the EMS was due to costs for Paramedic services not covered by or collected from insurance. He said in the future Post 53 would cease acting as a middleman between the patients and Stamford paramedics and may no longer bear the burden of these expenses.

Multiple Departments –Contingency Transfers

From:			To:		
Acct. Number	Acct. Name	Amount	Acct. Number	Acct. Name	Amount
10704000-86600	Contingency	338,595	10105091	Legal Counsel	266,115
10701001-82106	Soc. Security	37,806	10104061-82007	Audit Fees	45,245
Miscellaneous	Miscellaneous	15,055	10305010	EMS	73,215
			10108911-8280	IT-Telecom	6,881
Total		\$391,456	Total		\$391,456

**** MR. HALL SECONDED THE MOTION.**
**** THE MOTION PASSED UNANIMOUSLY.**

AGENDA REVIEW

First Selectman Stevenson said she had asked West Cog Executive Director Francis Pickering to attend a future meeting.

Ms. Marks asked about results of the parking initiatives survey. Mr. Kilduff said the results should be ready in the next few weeks.

APPROVAL OF MINUTES

**** MS. MARKS MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF AUGUST 3rd.**
**** MR. HALL SECONDED THE MOTION.**
**** THE MOTION PASSED WITH 3 IN FAVOR AND 2 ABSTENTIONS (MR. NIELSEN AND MR. REILLY)**

Mr. Nielsen noted in the regular meeting minutes of August 13, page 3, 3rd paragraph, first sentence the word “got” should be “go.”

**** MR. HALL MOVED TO APPROVE THE MINUTES OF THE REGULAR MEETING OF ON AUGUST 13th**

**** MS. MARKS SECONDED THE MOTION.**
**** MOTION PASSED WITH 4 IN FAVOR AND 1 ABSTENTION (MR. NIELSEN)**

**** MR. NIELSEN MOVED TO APPROVE THE MINUTES OF THE SPECIAL MEETING OF AUGUST 13th.**
**** MR. HALL SECONDED THE MOTION.**
**** MOTION PASSED UNANIMOUSLY.**

ADJOURNMENT

**** MR. HALL MOVED TO ADJOURN.**
**** MS. MARKS SECONDED THE MOTION.**
**** THE MOTION PASSED UNANIMOUSLY.**

The meeting adjourned at 8:25 pm.

Respectfully submitted,

A. Lund
Telesco Secretarial Services